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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,151	04/16/2004	Penelope E. Haxell	1-23-8	8593
<div>7590 Ryan, Mason &amp; Lewis, LLP 1300 Post Road, Suite 205 Fairfield, CT 06824</div>			<div>EXAMINER PHAN, HANH</div>	
			<div>ART UNIT 2613</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 08/22/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/826,151

**Applicant(s)**

HAXELL ET AL

**Examiner**

Hanh Phan

**Art Unit**

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-13 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is responsive to the Amendment filed on 05/16/2007.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomioka (US Patent No. 5,452,115).

Regarding claims 1 and 14, referring to Figures 1A, 1B, 4, 5, 7A, 7B, 8A and 8B, Tomioka teaches a method for communicating in a time-domain wavelength interleaved network having a hub node (i.e., network controller 3, Fig. 5), comprising:

transmitting substantially all communications through the hub node (i.e., network controller 3, Fig. 5) without changing a wavelength of the communications at the hub node (i.e., Figs. 1A, 1B, 4, 5, 7A, 7B, 8A and 8B, from col. 9, line 4 to col. 13, line 10).

Regarding claims 2, 7 and 15, Tomioka teaches further comprising the step of synchronizing a transmission and reception of a message such that a message sent in a time-slot k by a node Ni is received by a node Nj in the time-slot k (i.e., Figs. 1A, 1B, 4, 5, 7A, 7B, 8A and 8B, from col. 9, line 4 to col. 13, line 10).

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Regarding claims 3 and 8, Tomioka further teaches the synchronizing step is performed by the hub node (i.e., Figs. 1A, 1B, 4, 5, 7A, 7B, 8A and 8B, from col. 9, line 4 to col. 13, line 10).

Regarding claims 4 and 16, Tomioka further teaches the hub node imposes a timing reference (i.e., Figs. 1A, 1B, 4, 5, 7A, 7B, 8A and 8B, from col. 9, line 4 to col. 13, line 10).

Regarding claims 5 and 18, Tomioka further teaches the hub node recovers from a link failure by shifting transmission times of nodes separated from the hub node by the failed link (i.e., Figs. 1A, 1B, 4, 5, 7A, 7B, 8A and 8B, from col. 9, line 4 to col. 13, line 10).

Regarding claim 6, referring to Figures 1A, 1B, 4, 5, 7A, 7B, 8A and 8B, Tomioka further teaches a method for communicating performed by an interior node in a time-domain wavelength interleaved network having a hub node, comprising:

sending substantially all communications received from the hub node (i.e., network controller 3, Fig. 5) having a wavelength indicating the communication is destined for another node on all branches outward from the hub node without changing a wavelength of the communication at the hub node (i.e., Figs. 1A, 1B, 4, 5, 7A, 7B, 8A and 8B, from col. 9, line 4 to col. 13, line 10).

Regarding claim 17, Tomioka further teaches the hub node performs a time slot scheduling without regard to a delay in the time-domain wavelength interleaved network (i.e., Figs. 1A, 1B, 4, 5, 7A, 7B, 8A and 8B, from col. 9, line 4 to col. 13, line 10).

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Regarding claim 19, Tomioka teaches further comprising a plurality of the nodes interconnected in a tree configuration (i.e., Figs. 1A, 1B, 4, 5, 7A, 7B, 8A and 8B, from col. 9, line 4 to col. 13, line 10).

Regarding claim 20, Tomioka teaches further comprising a plurality of trees of nodes, each of the trees having a hub node, each of the hub nodes interconnected in a ring configuration (i.e., Figs. 1A, 1B, 4, 5, 7A, 7B, 8A and 8B, from col. 9, line 4 to col. 13, line 10).

***Allowable Subject Matter***

4. Claims 9-13 are allowed.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

  
**HANH PHAN**  
**PRIMARY EXAMINER**